

Remarks

Claims 1-3 and 5-38 remain in the Application. Allowance of the remaining claims is respectfully requested.

The Office Action has requested claims 35-38 to be withdrawn as being directed to a non-elected invention. Having constructively elected by original presentation for prosecution on the merits per MPEP 821.03, Applicant elects prosecution of claims 1-3 and 5-34. Applicant's election, however, is made with traverse. The requirement should be withdrawn since M.P.E.P. § 803 states that if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even if it includes claims to distinct or independent inventions. That directive should be followed in this case. All the claims in this case are related to network routing in general, and using a hosted advanced routing server for network routing in particular. Claims 35-38 are apparatus claims directed to a hosted advanced routing server. Consequently, all the claims in this case can be searched and examined together without serious burden. Withdrawal of the restriction requirement is therefore respectfully requested.

Claims 1-3 and 5-34 stand rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent Number 6,614,781 (Elliott). Reconsideration and removal of this rejection are respectfully requested.

Claims 1-3 and 5-34 each recite a feature, either directly or indirectly, of determining whether a packet requires advanced routing services or advanced network

services, and sending the packet to a hosted advanced routing server for such services.

At least this feature is not disclosed by Elliott.

Elliott describes a voice over packet (VOP) system having call terminal connected to a data network and the Public Switched Telephone Network (PSTN). Call setup and teardown are implemented using signaling messages processed by multiple soft switches. The soft switches are designed to perform call processing between call terminals on the data network, the PSTN, or both. Elliott, Col. 17: Line 59 to Col. 18: Line 63.

Claims 1-3 and 5-34 define over Elliott. Claims 1-3 and 5-34 allocate different levels of routing and network services to different nodes within a network. Basic routing may be performed by a first node, and advanced routing services and advanced network services may be performed by a second node. An example of a second node may include a hosted advanced routing server. An example of basic routing services may include static or default routing. Specification, Page 6. When a packet is received, the first node may determine whether the packet can be routed using its own routing table, and if not, sends the packet to the second node for further processing. By way of contrast, Elliott sends all signaling messages to a soft switch. The soft switch is basically a call processing device, similar to a conventional media gateway controller for a VOP network. The soft switch does not perform any routing operations for packets, but rather performs call processing operations such as call setup and call teardown using signaling messages. This is further evidenced by the fact that the soft switches are supported by route servers, such as route server 212a and 212b. Elliott, Col. 49: Lines 19-48. Route servers 212a-b perform routing for the soft switches. Route servers 212a-b, however, do not provide different levels of routing or network services for a packet. Rather, route

servers 212a-b simply receive a packet, and route the packet to a terminating circuit group based on a telephone number associated with the packet. Id. at Lines 50-55. Route servers 212a-b are not capable of forwarding a packet to another node for different services, such as advanced routing services or advanced network services. Consequently, Elliott fails to disclose all the elements of claims 1-3 and 5-34.

According to the Office Action, Elliott describes “determining whether said packet requires advanced routing services” at Figure 1 and Col. 18: Lines 51-64. Figure 1, however, fails to show any devices to perform routing operations. Elliott at Col. 18: Lines 51-64 merely describes that the soft switches are designed to perform call processing operations between call terminals on the data network, the PSTN, or a combination of both. There is no mention of any device in Elliott “determining whether said packet requires advanced routing services,” particularly the soft switches and route servers discussed in Elliott. In addition, the Office Action states that “sending said packet to a host advanced routing server” is described by Elliott in Figure 1 and Figure 8A, as well as Col. 18: Lines 60-63 and Col. 49: Lines 19-21. Figures 1 and 8A discloses various network devices, such as route servers, soft switches, and gateways, but fails to disclose a “hosted advanced routing server” as recited in the claimed subject matter. Elliott at Col. 18: Lines 60-63 merely states that signaling messages may be carried in-band or over a separate data network. Elliott at Col. 49: Lines 19-21 merely describes a route server that does not perform any advanced routing or network services. Consequently, Applicant respectfully submits that at least these elements are not disclosed by Elliott.

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For at least the reasons given above, Applicant submits that claims 1-3 and 5-38 represent patentable subject matter over Elliott. Accordingly, removal of this rejection is respectfully requested.

It is believed that claims 1-3 and 5-38 are in allowable form. Accordingly, a Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



John F. Kacvinsky, Reg. No. 40,040

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 6-15-04.



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Date

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12400 Wilshire Blvd., 7th Floor
Los Angeles, California 90025